

Serial No. 09/854,708
Amdt. dated March 16, 2005
Reply to Office Action of December 16, 2004

Attorney Docket No. PF01898NA

REMARKS/ARGUMENTS

Claims 1 through 16, 18 through 25 and 27 through 37 are pending in this application.

The specification is objected to under 35 U.S.C. §132 for introducing new matter into the disclosure of the invention. The added material is alleged to be "a positioning support device mounted to a navigational feature". As stated at the top of page 10 of the previous response of October 26, 2004, support for the above recitation is provided at page 5, lines 23 through 28, of the specification and shown in FIGs. 1, 3 and 4 of the drawings. No new matter has been added and, thus, reconsideration and withdrawal of the objection to the specification are respectfully requested.

Claims 1 through 16, 18 through 25 and 27 through 36 (and, presumably, claim 37) are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the above Office Action alleges that the language "a positioning support device mounted to a navigational feature is new matter. As stated above, support for the above recitation is provided at page 5, lines 23 through 28, of the specification and shown in FIGs. 1, 3 and 4 of the drawings. The above Office Action further states that "[t]he navigational feature as disclosed are discussed on page 9 as well as the related portions in the specification mentioned by applicants. It appears that the navigation feature is illustrated as satellite 302. The positioning support device 104 is not mounted to the satellite 302". First, Applicants would like to point-out that the reference number for the positioning support device is 108, not 104 which is the user device. Second, the positioning support device, as described at page 9, is mounted to the

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sidewalk as shown in FIG. 3. The embodiment shown in FIG. 3 and described at page 9 is similar to the embodiment shown in FIG. 1 and described at page 5, lines 23 through 28, of the specification. Third, page 9 of the specification describe an embodiment in which positioning support devices may receive information from remote positioning/location/navigation support systems, such as global positioning system satellites 302. No part of the specification or drawings describes or suggests that the satellite 302 is a navigational feature. In view of the above, the 35 U.S.C. §112, first paragraph, rejection of claims 1 through 16, 18 through 25 and 27 through 36 (and claim 37) are respectfully requested.

Claims 1, 4 through 10, 12, 13, 15, 16, 18 through 20, 22, 23, 25, 27 through 29 and 31 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,148,261 to Obradovich, et al. ("Obradovich, et al. patent"). Claims 1, 4, 6, 7, 9, 11 through 13, 15, 16, 18 through 20, 22, 23, 25, 27 through 29 and 31 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,546,092 to Kurokawa, et al. ("Kurokawa, et al. patent"). Claims 2, 3, 14 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over either the Obradovich, et al. patent or the Kurokawa, et al. patent in view of U.S. Patent No. 5,406,491 to Lima ("Lima patent"). Claims 21 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Obradovich, et al. patent or the Kurokawa, et al. patent in view of U.S. Patent No. 5,331,602 to McLaren ("McLaren patent"). Claims 32 through 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Obradovich, et al. patent and the Kurokawa, et al. patent in view of U.S. Patent No. 5,144,294 to Alonzi, et al. ("Alonzi, et al. patent").

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Claim 1 provides, *inter alia*, a positioning support device mounted to a navigational feature, and claims 13 and 23 provide, *inter alia*, similar language. The Obradovich, et al. patent, the Kurokawa, et al. patent, the Lima patent, the McLaren patent, and the Alonzi, et al. patent, individually or in combination, do not describe or suggest a positioning support device mounted to a navigational feature, as required by claims 1, 13 and 23. Therefore, claims 1, 13 and 23 distinguish patentably from the Obradovich, et al. patent, the Kurokawa, et al. patent, the Lima patent, the McLaren patent, the Alonzi, et al. patent, and any combination of these patents.

Claims 2 through 12, 14 through 16, 18 through 22, 24, 25 and 27 through 37 depend from and include all limitations of independent claims 1, 13 and 23. Therefore, claims 2 through 12, 14 through 16, 18 through 22, 24, 25 and 27 through 37 distinguish patentably from the Obradovich, et al. patent, the Kurokawa, et al. patent, the Lima patent, the McLaren patent, the Alonzi, et al. patent, and any combination of these patents for the reasons stated above for claims 1, 13 and 23.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(e), 35 U.S.C. §102(b) and 35 U.S.C. §103(a) rejections of claims 1 through 16, 18 through 25 and 27 through 37 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope

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of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Muncaster, George W., et al.

Please forward all correspondence to:
Motorola, Inc.
Law Department (HDW)
600 North US Highway 45, AS437
Libertyville, IL 60048

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Hisashi D. Watanabe Date
Attorney for Applicant(s)
Registration No. 37,465
Telephone: (847) 523-2322
Facsimile: (847) 523-2350